

FARAD CONTINUATION SHEET No.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE SIDE  
WRIT PETITION NO.6319 OF 2005**

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Office Notes, Office  
Memoranda of Coram,  
appearances, Court's  
orders or directions  
and Registrar's orders.  
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Court's or Judge's orders

Mr.Anil Subramaniam for the Petitioner  
Mr. Suresh Kumar for the Resopondents

**CORAM : F.I. REBELLO &  
DR. D.Y.CHANDRACHUD, JJ.**  
**DATED : 24th October,2005**

**P.C.**

. Rule. Heard forthwith. The petitioner has approached this Court seeking relief amongst others that the impugned order dated 21st July, 2005 Exhibit "B" be quashed and set aside. Pursuant to that order the petitioner apprehended that he would be reverted/brought back to the rank of HC/FTR with effect from 18/19-04 FN from the date of promotion as SI MM Service. The grievance of the petitioner is that if the Standing Order No.24/2001 more so 3(a) (i) and (ii) are correctly read it will be clear that the requirement for promotion to the post of Constable/Tech/Trade to HC/TEch/Trade is 8 years. 8 years services as CT/Tech/Trade, services which will be

counted from the date of re-mustering/appointments to the cadre/trade. In so far as HC/Tech/Trade to SI/Tech/Trade what has to be counted is 5 years service as HC/Tech/Trade subject to a total service of 18 years. This total service of 18 years, it is pointed out, is not from re-mustering, but the entire service put in considering the difference of terminology which has been used in the said two Rules.

2. After the petition was filed this court by order dated 26th September, 2005 directed the respondents to maintain status quo. It appears that on 4th October, 2005 the respondents have served on the petitioner an order passed on 25th September, 2005 which gives effect to the order dated 21st July, 2005.

3. The order of reversion has resulted in civil consequences on the petitioner. Once that be the case the petitioner ought to have been given a hearing. That has not been done and consequently on that point alone the present petition can be allowed. In the light of that the following order:-

(i) The impugned order dated 21st July, 2005 and consequential order dated 25th September, 2005 are set aside. The matter is referred back to the Competent Authority for reconsidering the matter in the light of the contentions raised by the petitioner as to the interpretation of the promotion policy as contained in the communication dated June 2001 being Standing Order No.24 of 2001. It will be open to the petitioner within 3 weeks from today to make representation to the Competent Authority. The Competent Authority to decide the same thereafter according to law.

(ii) Rule made absolute accordingly. No order as to costs.

**(F.I. REBELLO, J.)**

**(DR.D.Y.CHANDRACHUD, J.)**